

CG6-CC-1179

Received & Inspected
MAY 21 2012
FCC Mail Room

Hill Shadow Pictures

January 4, 2012

Re: PETITION FOR EXEMPTION TO THE CLOSED CAPTIONING
REQUIREMENTS ON THE BASIS OF UNDUE BURDEN

To Whom It May Concern:

I am writing to petition for the exemption to the closed captioning requirements on the basis of undue burden. The show title in question is: "Gary Lewis' Adventure Journal," a regionally broadcast half-hour show in the Pacific Northwest. This is the second season of the show, with a different producer from last season. I am petitioning the CC requirements for the following reasons.

The impact on the operation of the provider or program owner in providing closed captioning would be detrimental and, in this case, would completely inhibit the production of the show.

This show is being distributed as a barter show. As such, our compensation for production comes from advertising sales. Based on the gross income from the last season of the show, the total of sales for this year will be between \$20,000-22,000, and the program owner, Hill Shadow Pictures, will receive less than 50% of that. This is not enough to pay for Closed Captioning alone, not to mention all the other production and travel costs associated with planning, shooting, editing, and delivering shows to our network of about 10 affiliates.

Thank you for considering my appeal and petition. Please contact me if there are any further questions.

Best regards,

Samuel Pyke

Owner

Hill Shadow Pictures

17495 Ivy Ln Sisters, OR 97759 (541) 678-2018 hillshadowpictures@gmail.com

Program Distributor Responses to closed captioning assistance

Gary Lewis Adventure Journal/ Hill Shadow Pictures
Petition for closed captioning on the basis of undue burden

Bend, OR affiliate (BendBroadband)

Hi Sam,

Greg Fair forwarded your request for a letter from us regarding closed captioning support for KBNZ.

As per FCC Closed Captioning exemptions found in CFR Title 47, vol 4., 79.1, KBNZ is not required to provide closed captioning.

Please let me know if you need anything else from me.

Have a great weekend.

-Dave

Dave Jones

Director of Creative Services

[cid:image003.png@01CB2E48.3354A760]

Representing BendBroadband, Crestview Cable, KBNZ-CBS & COTV11

63090 Sherman Rd., Bend, OR 97701

F: 541.385.3271 P: 541.312.6453

W: www.zolomedia.com<<http://www.zolomedia.com/>>

Medford Affiliate (Southern Oregon)

Hi Sam. Financial assistance from KOBI/KOTI for your closed captioning is not available. As you are aware, we already insert your commercials into the show, which airs at 1:30am Sunday night/Monday morning. That barter time is our payment to you for providing the program to us. It would not be a sound business decision to contribute financially as well.

Best regards,

Donna Rodriguez

Programming & Traffic Mgr.

KOBI/KOTI-TV

541-779-5555

Direct Dial: 541-282-1208

Salem Affiliate

Sam

since no monies is exchanged between your production company and our stations we would not and will not compensate the production company for such closed captioning. Since our faculties annual income is well below the threshold to require captioning ourselves it is not a requirement as we understand it. If a production company does supply closed captioning we can and do pass it through the facility however.

**Ken Lewetag - General Manager/co-owner
Northwest Television, LLC**

"From Longview to Eugene and everywhere in between"

A part of Northwest Television, LLC
17980 Brown Rd, Dallas, Oregon 97338
503-930-7228 ken@kwvtsalem.com

SCHEDULE C

(Form 1040)

Department of the Treasury
Internal Revenue Service (99)

Profit or Loss From Business

(Sole Proprietorship)

- For information on Schedule C and its instructions, go to www.irs.gov/schedulec
► Attach to Form 1040, 1040NR, or 1041; partnerships generally must file Form 1065.

OMB No. 1545-0074

2011

Attachment
Sequence No. **09**

Name of proprietor SAMUEL J PYKE		Social security number (SSN) [REDACTED]
A Principal business or profession, including product or service (see instructions) VIDEO PRODUCTION : VIDEO PRODUCTS		B Enter code from instructions ► 515000
C Business name. If no separate business name, leave blank. HILL SHADOW PICTURES		D Employer ID number (EIN), (see instr.)
E Business address (including suite or room no.) ► 17495 IVY LANE City, town or post office, state, and ZIP code SISTERS, OR 97759		
F Accounting method: (1) <input checked="" type="checkbox"/> Cash (2) <input type="checkbox"/> Accrual (3) <input type="checkbox"/> Other (specify) ►		
G Did you "materially participate" in the operation of this business during 2011? If "No," see instructions for limit on losses		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
H If you started or acquired this business during 2011, check here		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I Did you make any payments in 2011 that would require you to file Form(s) 1099? (see instructions)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
J If "Yes," did you or will you file all required Forms 1099?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Income

1a Merchant card and third party payments. For 2011, enter - 0-	1a		ATTACHMENT
b Gross receipts or sales not entered on line 1a (see instructions)	1b	4,264.	
c Income reported to you on Form W-2 if the "Statutory Employee" box on that form was checked. Caution. See instr. before completing this line.	1c		
d Total gross receipts. Add lines 1a through 1c	1d	4,264.	
2 Returns and allowances plus any other adjustments (see instructions)	2		
3 Subtract line 2 from line 1d	3	4,264.	
4 Cost of goods sold (from line 42)	4		
5 Gross profit. Subtract line 4 from line 3	5	4,264.	
6 Other income, including federal and state gasoline or fuel tax credit or refund (see instructions)	6		
7 Gross income. Add lines 5 and 6	7	4,264.	

Expenses

Enter expenses for business use of your home only on line 30.

8 Advertising	8		18 Office expense (see instructions)	18	22.
9 Car and truck expenses (see instructions)	9	506.	19 Pension and profit-sharing plans	19	
10 Commissions and fees	10		20 Rent or lease (see instructions):		
11 Contract labor (see instructions)	11		a Vehicles, machinery, and equipment	20a	
12 Depletion	12		b Other business property	20b	
13 Depreciation and section 179 expense deduction (not included in Part III) (see inst)	13	1,639.	21 Repairs and maintenance	21	
14 Employee benefit programs (other than on line 19)	14		22 Supplies (not included in Part III)	22	705.
15 Insurance (other than health)	15		23 Taxes and licenses	23	
16 Interest:			24 Travel, meals, and entertainment:		
a Mortgage (paid to banks, etc.)	16a		a Travel	24a	155.
b Other	16b	231.	b Deductible meals and entertainment (see instructions)	24b	5.
17 Legal and professional services	17		25 Utilities	25	
			26 Wages (less employment credits)	26	
			27a Other expenses (from line 48)	27a	78.
			b Reserved for future use	27b	
28 Total expenses before expenses for business use of home. Add lines 8 through 27a	28	3,341.			
29 Tentative profit or (loss). Subtract line 28 from line 7	29	923.			
30 Expenses for business use of your home. Attach Form 8829. Do not report such expenses elsewhere	30				
31 Net profit or (loss). Subtract line 30 from line 29.	31	923.			
<p>• If a profit, enter on both Form 1040, line 12 (or Form 1040NR, line 13) and on Schedule SE, line 2. If you entered an amount on line 1c, see instr. Estates and trusts, enter on Form 1041, line 3.</p> <p>• If a loss, you must go to line 32.</p>					
<p>32 If you have a loss, check the box that describes your investment in this activity (see instructions).</p> <p>• If you checked 32a, enter the loss on both Form 1040, line 12, (or Form 1040NR, line 13) and on Schedule SE, line 2. If you entered an amount on line 1c, see the instructions for line 31. Estates and trusts, enter on Form 1041, line 3.</p> <p>• If you checked 32b, you must attach Form 6198. Your loss may be limited.</p>					
<p>32a <input type="checkbox"/> All investment is at risk.</p> <p>32b <input type="checkbox"/> Some investment is not at risk.</p>					

KBA For Paperwork Reduction Act Notice, see your tax return instructions.

Schedule C (Form 1040) 2011

Received & Inspected

MAY 21 2012

FCC Mail Room

Hill Shadow Pictures

Owner: Samuel Pyke

Concerning

FCC Petition for Closed Captioning on the basis of undue burden for the Television Show
(Gary Lewis Adventure Journal)

Respected Communications Commission,

Within this envelope I am providing more information regarding the financial status of Hill Shadow Pictures. This information will be found on the 2011 Schedule C tax form that arrived with this letter.

I have also contacted our seven program distributors across the Northwest, and have requested assistance for funding for closed captioning of the TV show, Gary Lewis Adventure Journal. No station will assist in funding closed captioning, considering our show falls under the barter show realm. This means that program distributors do not pay us for the show, and we do not pay them to have the show on the air. Our income comes solely from our advertisers. Along with this letter are copies of the program distributor responses to the request for assistance for closed captioning.

Closed Captioning providers offer varied services at varied rates. For a basic closed captioning package from providers such as Custom Captions, twenty minutes of media would cost \$400. Considering this basic package closed captioning quote, it would cost Hill Shadow Pictures more than \$5,200 for thirteen episodes from the second season of the TV Show. This is more than half the income Hill Shadow Pictures is guaranteed to make on the show for the year.

Along with the Schedule C tax form for Hill Shadow Pictures from the 2011 tax year and responses from our program distributors, it is apparent that Hill Shadow Pictures cannot afford to pay for closed captioning. A few of our stations are low on the totem pole, and apparently do not require shows to be closed-captioned if their revenue is below a certain amount. I hope the added information I have provided is sufficient enough to illustrate the status and processes of this particular television program and its inability to pay for closed captioning.

Best Regards,

Samuel Pyke,
Hill Shadow Pictures